

REMARKS

The undersigned recently assumed over prosecution of this case and filed his Substitute Power of Attorney from Applicants authorizing him to do so. A copy of said Substitute Power of Attorney is attached hereto in case the original has not yet found its way into the file wrapper.

Informalities

For convenience in reference thereto herein, Applicants have provided line numbers to selected paragraphs from the Specification that have been amended herein. Though two paragraphs may occur on the same page, suggesting continuous line numbering throughout both paragraphs, this has *not* been done. Paragraph numbering as originally filed has been preserved. Applicants also have line numbered all claims in the list of claims, regardless of whether or not the claims have been amended herein.

Applicants have corrected a number of informalities observed by the undersigned when he took over prosecution of this case. The reason for each amendment is obvious from the context. No new matter has been added. Discussion of each follows:

Specification paragraph [0029]. Applicants have amended this paragraph at lines 3 through 4 to excise the phrase “. . . (Fig. 2) having metallic or steel (now shown) . . .” which appears to have been an incomplete subjective phrase in the sentence as filed and does not make sense in context. The parenthetical “(now shown)” would have needed correction for the obvious typographical error (should have read “*not* shown”), and the parenthetical “(Fig. 2)” in line 3 is redundant with the same reference in line 4.

Specification paragraph [0030]. Applicants have amended this paragraph at one place in each of lines 3 and 6 to correct a typographical error. Specifically, the word “elastomeric” was misspelled in the specification as filed. Applicants further have amended this

paragraph at line 14 to insert the word “design” after the word “decorative” in one place. The need for this amendment is obvious, the inserted term completing a noun reference “decorative design 14” also used in line 8, the erroneous omission having caused the remaining adjective “decorative” to be an incomplete reference.

Specification paragraph [0035]. Applicants have amended this paragraph at line 5 in one place to correct agreement between the term “sheets” and the term “a plurality of”

Specification paragraph [0040]. Applicants have amended this paragraph at line 7 to correct a typographical error comprising redundant phraseology. Specifically, the phrase “having a different decorative” was repeated in the specification as filed, and this redundancy has been deleted.

Claim 1. Applicants have amended the preamble of Claim 1 at line 2 (as amended) to insert the term “the magnetic sheet” following the word “appearance” to cure a possible ambiguity in the meaning of the word “comprising” which follows. Applicants also have amended Claim 1 at line 10 (as amended) to eliminate a duplication of the term “at least” in one place. Applicants further have amended Claim 1 at line 10 to insert the term “at least” before the term “one surface” to cause the composite term “. . . at least a portion of at least one surface . . .” to have antecedent basis in the same term in line 9. Applicants also have amended Claim 1 at line 11 (as amended) to delete the article “a” before the term “said” in one place, the article being unnecessary and misleading. Other changes to Claim 1 are discussed below in reference to prior art rejections.

Claim 13. Applicants have amended Claim 13 to insert the proper connector “and” after the first of two limitations added by this claim. Applicants also have amended Claim 13 to replace the words “comprises” and “comprising” in lines 2 and 3 respectively with the word “has,” to convert the conditional terms to a concrete terms in keeping with the change just discussed.

Claim 15. See discussion below regarding Applicants' responses to rejections under 35 U.S.C. § 101.

Claim 27. Though Claim 27 has been allowed, OA2 at 5, Applicants feel the following changes are important enough to justify making them at this time. Applicants have amended Claim 27 at line 2 to insert the proper connector word "and" between the two additional recited limitations of this claim. Applicants also have replaced the word "comprising" in line 2 with the word "has," a change needed to convert the conditional term "comprising" to a concrete term, in keeping with the change just discussed.

Applicants also have amended the preamble of Claim 27 to depend from Claim 16 instead of from Claim 23 as filed. There is no apparent reason for the features of Claim 27 as amended to depend upon the appliance being a refrigerator, as recited in Claim 23, and indeed Claim 27 does not recite a refrigerator, but an appliance as featured in Claim 16. Further, Claim 27 would be in violation of MPEP 608(n).I (8th Ed., Rev. 1 at 600-77) if the dependency from Claim 23 as filed was intentional and not mere oversight.

Claim 29. Applicants have amended Claim 29 at line 4 to replace the word "are" with the word "is" in one place to correct agreement thereof with the term "each of said plurality . . ." in line 4. Applicants also have amended Claim 29 at line 2 to insert the word "and" between the two additional recited limitations of this claim for clarity of claim construction.

Applicants also have amended the preamble of Claim 29 to depend from Claim 16 instead of from Claim 23 for the same reasons Claim 27 was so amended, as discussed above. Applicants further have amended Claim 29 at line 5 to delete the phrase "when said electrical appliance is situated in said kitchen", which amendment cures a lack of antecedent basis created by the change to the preamble and eliminates an unnecessary limitation to the claim. The remaining amendments to Claim 29 are discussed infra regarding responses to rejections under 35 U.S.C. § 101.

Claim 30. Applicants have amended the preamble of Claim 30 to cause it to depend from Claim 17 instead of Claim 24 as filed. There is no apparent reason for the features of Claim 30 to depend upon the limitation of Claim 24.

Claim 31. See discussion infra regarding Applicants' responses to prior art rejections.

Claim 33. See discussion infra regarding Applicants' responses to rejections under 35 U.S.C. § 112.

Claims 34, 35. See discussion infra regarding Applicants' responses to prior art rejections.

Claim 39. Applicants have amended Claim 39 to insert the word "wherein" into the preamble to cause Claim 39 to be a complete sentence.

Claim 41. Applicants have amended Claim 41 to excise an ambiguity arising from redundant uses of the term "magnetic sheet." Specifically, the phrase ". . . said method further comprises the step of: providing a magnetic sheet comprising a . . ." has been replaced with the term "the" before the term "decorative" in line 3, so that Claim 41 as amended depends for antecedent basis upon the term "magnetic sheet" in Claim 31, which it did anyway but which potential for ambiguity is eliminated with the instant amendment. Applicants also have replaced the term "comprising" in line 3 with the term "comprises" in one place to correct an error in agreement which otherwise would arise from the amendment.

Claim 43. Applicants have amended Claim 43 at lines 4 - 5 to correct a typographical error pointed out by the examiner in his Section 112 rejections (OA2 at 2 - 3). Specifically, the term "(.75 mm)" has been substituted for the term "(.75 r-nm)" in one place. The "r-n" portion of the latter clearly was meant to be an "m" in the abbreviation for "millimeter." This same terminology appears correctly in Claims 13, 27 and 64 as filed and/or amended, and is supported in the Specification at 7 paragraph [0040].

Applicants also have amended Claim 43 at lines 2 - 3 to excise an ambiguity arising from amendments to Claim 31, the latter claim now including more than one “providing” step. Specifically, Claim 43 has been amended to delete the phrase “. . . said providing step further comprising the step of: providing a . . .” and inserting the term “the” before the term “magnetic” in one place.

Claim 43 further has been amended in lines 2 and 4 to replace the conditional terms “comprises” and “comprising” with the concrete term “has” in two places.

Finally, Claim 43 has been amended to depend from Claim 31 instead of Claim 41 as filed. There is no apparent reason for Claim 43 to depend from Claim 41 since its limitations do not require the limitations of Claim 43, which includes the subject matter of a type of decorative pattern.

Claim 44. Applicants have amended Claim 44 to delete the last four words, thereby to correct a typographical error pointed out by the examiner in his Section 112 rejections (OA2 at 3). Specifically, the words “along which said magnetic” have been removed as unnecessary. An amendment to this claim was made in Applicants’ previous office action response (to OA1) but without Remarks. The amendment as made apparently was erroneous as an incomplete removal of an unnecessary limitation to the claim. It is clear that the phrase excised in the instant amendment also should have been removed from Claim 44.

Applicants have amended Claim 44 to depend directly from Claim 31 instead of from Claim 41 as filed, which merely recites a particular type of decorative pattern. Applicants also have amended Claim 44 at lines 2 - 3 to excise an ambiguity arising from amendments to Claim 31, the latter claim now including more than one “providing” step.

Claim 45. Applicants have amended Claim 45 to depend directly from Claim 31 instead of from Claim 41 as filed, which recites a particular type of decorative pattern. Applicants also have amended Claim 45 to delete the last eight words in line 5 to eliminate a lack of antecedent basis resulting from the amendments to the preamble.

Applicants have amended Claim 45 to cure a possible ambiguity arising from redundant uses of the term “magnetic sheet.” Specifically, the phrase “. . . said appliance comprises a plurality of external surfaces, said method further comprising the step of: providing a magnetic sheet that covers each of said . . .” has been replaced with the phrase “. . . said magnetic sheet is cut into multiple pieces adapted to cover a . . .” before the term “plurality” in line 4. This latter phrase results from the examiner’s Section 101 rejections discussed infra.

Claim 46. Applicants have amended the preamble of Claim 46 at line 1 to cause it to depend from Claim 43 instead of from Claim 39 as filed. Claim 39 merely adds the limitation that the appliance is a refrigerator, whereas Claim 46 as amended provides a logical step in keeping with the steps introduced into the method of Claim 31 by Claim 43. Applicants also have amended Claim 46 to delete the last eight words to eliminate a lack of antecedent basis resulting from the preamble change to Claim 46 and to eliminate an unhelpful and unnecessary limitation to Claim 46. The amendments in line 3 are discussed infra regarding Applicants’ response to rejections under 35 U.S.C. § 101.

Claims 47 - 49. See discussion infra regarding Applicants’ responses to prior art rejections.

Claim 51. Applicants have amended Claim 51 at line 2 to insert the word “and” between the two additional recited limitations of this claim. Applicants also have replaced the word “comprising” in line 3 with the word “comprises,” a change needed to correct agreement with “said method.” Claim 51 also has been amended to depend from Claim 47 rather than Claim 48 because the latter claim has been canceled.

Claims 52 - 55. See discussion infra regarding Applicants' responses to prior art rejections.

Claim 64. Applicants have amended Claim 64 at line 2 to insert the connector word "and" between the two additional recited limitations of this claim. Applicants also have replaced the word "comprising" in line 2 with the word "has," to promote agreement between subject and verb in the clause on lines 3 - 4.

Claim 66. See discussion infra regarding Applicants' responses to rejections under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 112

Claim 33. Regarding the examiner's rejection of Claim 33 for lack of antecedent basis, OA2 at 2, the preamble of Claim 33 remains referenced to Claim 31. Due to amendments to Claim 31, discussed below, "said grid pattern" in Claim 33 now has antecedent basis in Claim 31 at line 6.

Claims 43 and 44. Regarding the examiner's rejection of Claims 43 and 44 for apparent typographical errors, OA2 at 2 - 3, those errors have been corrected as discussed supra in the Informalities section.

Rejections under 35 U.S.C. § 101

Regarding the examiner's rejection of Claims 15, 29, 30, 45, 46 and 66 as inoperative, OA2 at 2, Applicants thank the examiner for his alertness to this oversight. Applicants have amended those claims to recite that the magnetic sheet has been cut into multiple pieces to cover

disparate portions of the surface of the appliance. The wording of this recitation varies slightly to accommodate the context of each claim amended. These amendments are supported in the Specification at 5 - 6, paragraphs [0035] and [0036] discussing the cutting of the magnetic sheet into pieces to cover different parts of the appliance.

Prior Art Rejections

Claims 1 - 15. Regarding the examiner's rejection of Claim 1 under 35 U.S.C. § 103 as unpatentable over Saunders in view of Ojeda, OA2 at 3, Applicants have amended Claim 1 at line 8 (as amended) to recite the feature of Claim 14 of "at least one line of weakness." The examiner indicated, OA2 at 5, that Claim 14, which recites the single feature now added to Claim 1, would be allowable if re-written in independent form and including all the limitations of the base claim (Claim 1) and any intervening claims. Accordingly, Claim 1 as amended substantially comprises Claim 14 re-written in independent form as suggested by the examiner. Claim 14 has been canceled as redundant.

Claim 1 also includes several other changes to render it greater clarity. Claim 1 has been amended at lines 4 - 7 (as amended) to recite in list form some of the features of the sheet magnet already present in Claim 1 as filed. Applicants also have eliminated the "... for adhering ..." phrase (shown deleted in line 7, as amended) to avert possible Sec. 112 paragraph 6 implications. Claim 1 further has been amended at lines 9 - 10 to clarify through use of the term "wherein" in line 9 that the succeeding features recited are dependent upon the preceding structural elements. The modifier "at least" has been added in lines 9 and 10 to clarify that the sheet magnet could cover portions of more than one surface. This is supported in the Specification at 6 paragraph [0036] et seq. discussing the covering of multiple surfaces of the appliance.

The addition of the new limitation from Claim 14 into Claim 1 further renders allowable Claims 2 - 13, 15, which depend directly or indirectly from amended Claim 1, coupled where necessary, that is, with amendments in response to other rejections thereof addressed elsewhere herein.

Claims 31 - 46. Regarding the examiner's rejection of Claim 31 under 35 U.S.C. § 103 as unpatentable over Saunders in view of Ojeda, OA2 at 3, Applicants have amended Claim 31 at lines 6 - 8 (as amended) to recite the limitations of Claim 32 which depended therefrom as filed. The examiner indicated, OA2 at 5, that Claim 32, which recites the features now added to Claim 31, would be allowable if re-written in independent form and including all the limitations of the base claim (Claim 31) and any intervening claims. Accordingly, Claim 31 as amended substantially comprises Claim 32 re-written in independent form as suggested by the examiner. Claim 32 has been canceled as redundant. This change also required some rearrangement of terms to achieve proper antecedent basis, including amendment of line 2 to insert the phrase regarding a plurality of external surfaces.

Claim 31 also includes several other changes to render it greater clarity. Claim 31 has been amended at lines 3 - 5 (as amended) to recite in list form some of the features of the magnetic sheet already present in Claim 31 as filed. Claim 31 also has been amended in lines 11 - 13 to eliminate the redundancy of the deleted language with the preamble. Lines 10 - 11 as amended now also include the added phrase that shows that the decorative pattern should be visible after the method of Claim 31 has been carried out.

The addition of the new limitations from Claim 32 into Claim 31 further renders allowable Claims 33 - 46, which depend directly or indirectly from amended Claim 31, coupled where necessary, with amendments in response to other rejections thereof addressed elsewhere herein.

Claim 33 has been amended at lines 1 - 3 to cure a potential ambiguity resulting from changes to Claim 31, which now includes a “providing” step for the grid pattern, making a similar step in Claim 33 redundant and potentially ambiguous.

Claim 35 has been amended at lines 1 - 2 to cure a potential ambiguity arising from redundant uses of the term “situated” arising from changes to Claim 33 from which Claim 35 depends.

Claims 38 and 39 have been amended to cure a lack of antecedent basis arising from changes to the preamble of Claim 31.

Claims 47 -51. Regarding the examiner's rejection of Claim 47 under 35 U.S.C. § 103 as unpatentable over Saunders in view of Ojeda, OA2 at 3, Applicants have amended Claim 47 at lines 6 - 7 (as amended) to recite the limitations of Claim 48 which depended therefrom as filed. The examiner indicated, OA2 at 5, that Claim 48, which recites the features now added to Claim 47, would be allowable if re-written in independent form and including all the limitations of the base claim (Claim 47) and any intervening claims. Accordingly, Claim 47 as amended substantially comprises Claim 48 re-written in independent form as suggested by the examiner. Claim 48 has been canceled as redundant.

Claim 47 also includes several other changes to render it greater clarity. Claim 47 has been amended at line 3 (as amended) to delete a redundancy with the preamble concerning a selected exterior surface of the appliance to be decorated. Claim 47 further has been amended at lines 5 - 6 to collect the elements of the magnetic sheet into one place for clarity, the resulting redundancy in line 11 (as amended) being deleted. Claim 47 also has been amended at lines 9 - 10 to show that the intended result of the method recited is accomplished.

Addition of the new limitations from Claim 48 into Claim 47 further renders allowable Claims 49 - 51, which depend directly or indirectly from amended Claim 47, coupled where necessary, with amendments in response to other rejections thereof addressed elsewhere herein

Applicants have amended the preamble of Claim 49 at line 1 to cause Claim 49 to depend from Claim 47 instead of from canceled Claim 48. Claim 49 also has been amended at line 4 to delete unnecessary language regarding the tracing.

Claims 52 -66. Regarding the examiner's rejection of Claim 52 under 35 U.S.C. § 103 as unpatentable over Saunders in view of Ojeda, OA2 at 3, Applicants have amended Claim 52 at lines 8 - 11 (as amended) to recite the limitations of Claim 53 which depended therefrom as filed. The examiner indicated, OA2 at 5, that Claim 53, which recites the features now added to Claim 52, would be allowable if re-written in independent form and including all the limitations of the base claim (Claim 52) and any intervening claims. Accordingly, Claim 52 as amended substantially comprises Claim 53 re-written in independent form as suggested by the examiner. Claim 53 has been canceled as redundant.

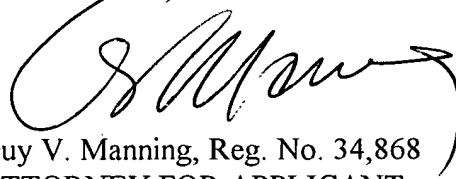
Claim 52 also includes several other changes to render it greater clarity. Claim 52 has been amended at lines 4 - 7 and 9 - 10 (as amended) to recite in list form some of the features of the sheet magnet already present in Claim 52 as filed. Claim 52 further has been amended at lines 11 - 13 to clarify through use of the term “wherein” in line 11 that the succeeding features recited are dependent upon the preceding structural elements. The term “covering” in line 12 has been replaced by the term “to cover” in the added language implementing the addition of additional limitations from Claim 53, and an unnecessarily wordy phrase in line 12 that also lacked antecedent basis has been replaced with the term “with” in line 13.

Addition of the new limitations from Claim 53 into Claim 52 further renders allowable Claims 54 - 66, which depend directly or indirectly from amended Claim 52, coupled where necessary, with amendments in response to other rejections thereof addressed elsewhere herein.

Claims 54 and 55 have been amended in their preambles to cause them to depend from Claim 52 instead of canceled Claim 53.

Applicants now believe that all rejected claims in Applicants' application now are in condition for allowance, which allowance Applicants respectfully request.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Guy V. Manning', with a large, sweeping flourish at the end.

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